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Eric Slagle
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DEVELOPMENT SERVICES MEMORANDUM

DATE: August 22, 2016

TO: James Flood, Esq., Representative for Applicant

CC: Eric Slagle, Director of Development Services
Shaun Shanahan, Building Commissioner
Judith Tymon, Senior Planner
Christine McCall, Assistant Planner
Chairperson William Bailey & Members of the Lowell Zoning Board of Appeals
Chairperson Thomas Linnehan & Members of the Lowell Planning Board

FROM: Joseph Giniewicz, Associate Planner

RE: 331 Broadway Street Special Permit and Variance Application

PROJECT SUMMARY

Eminent Development, LLC has submitted a Special Permit and Variance application for the construction of a new two-story, mixed-use structure on 331 Broadway Street. The lot contains approximately 5,429 square feet of land. The applicant has proposed to install two commercial units and two residential units. Elevations for the proposed new construction have been provided as a part of the application package.

The property is located in the UMU (Urban Mixed Use) zoning district. As noted in Section 3.1.2 of the City Zoning Ordinance, the UMU district “focuses on revitalizing the commercial areas in the urban neighborhoods near downtown.” The property is also located in the Acre Neighborhood Historic District.

DEVELOPMENT SERVICES COMMENTARY

Based on a review of the submitted materials, we offer the following to the Board for consideration. ***If the Board finds that the applicant has met the requirements for granting a Special Permit and Variance***, the following comments may either be clarified during the public hearing or be adopted as conditions in part or in whole to the approved relief. As always the Board may wish to add any additional conditions based on their review.

GENERAL COMMENTS

1. No Work shall commence until a Decision Letter has been recorded at the Registry of Deeds, Middlesex North and the recording information has been submitted to the Lowell Division of Development Services (DDS) office.
2. The Lowell Zoning Board and/or the authorized representative(s) reserve the right to access the property at any time for the purpose of inspecting the work covered by this proposal.
3. Documents approved by the Board and/or the agent (s) thereof shall be made a part of all construction specifications.

4. Any approval and conditions of said approval shall apply to any successor in control or successor in interest of the property described in the Variance Application and accompanying plans submitted to the Lowell Zoning Board of Appeals.

SPECIFIC PROJECT COMMENTS

5. As the property is located in the Acre Neighborhood Historic District, the applicant shall need to obtain approval from the Historic Board regarding the building elevations and landscape design.
6. The property is located within the Acre Urban Renewal area. The plan called for an active street presence with commercial use(s) to be located at the property. The proposal, currently featuring two commercial units with the intention to feature a retail and take-out establishment harmonizes with that intent.

* The following items, if not addressed specifically during the public hearing but are adopted as conditions, should be addressed with appropriate documents submitted to Development Services prior to the issuance of a Foundation Permit.*

7. The Board may wish to gather information regarding erosion/sedimentation control measures to be installed during construction. Straw Wattle/FilterMitt and/or silt sack installations could be an example of an appropriate control measure. Erosion controls should be inspected prior to any work to ensure proper installation.
 - The applicant should receive approval from the City Engineer regarding stormwater mitigation prior to the issuance of a foundation permit.
8. If any damage occurs to the City sidewalk during construction, the applicant shall be responsible for replacing/constructing them to City standards.
9. The applicant should clarify where trash receptacles shall be stored on the property.